

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1089

Introduced by Assembly Member Ian Calderon
(Coauthors: Assembly Members Brown, Ting, and Wilk)

February 22, 2013

An act to add Section 56426.10 to the Education Code, to amend Section 95014 of the Government Code, ~~to amend Sections 123105 and 123110 of the Health and Safety Code~~, and to amend Sections ~~4643.5 and 4726~~ *4514 and 4643.5* of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, as amended, Ian Calderon. Foster care.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities and their families. The services and supports to be provided to a regional center consumer are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

Existing law also provides that if a consumer is or has been determined to be eligible for services by a regional center, he or she shall also be considered eligible by any other regional center if he or she has moved to another location within the state. In addition, existing law provides that whenever a consumer transfers from one regional center catchment area to another, the level and types of services and supports specified in the consumer's individual program plan shall be authorized and secured, as specified.

~~Existing law requires a regional center that receives state funds to provide services to persons with disabilities to provide a fair hearing procedure, as specified, for resolving conflicts between the regional center and recipients of, or applicants for, service. Existing law generally provides that regional center records are confidential. Existing law requires, however, that a recipient or an applicant, including his or her parents or authorized representatives, as specified, have access to the recipient's or applicant's records that are maintained by the regional center for purposes of the provisions governing fair hearing procedures. Any person who willfully and knowingly violates the requirement governing access to records is guilty of a misdemeanor.~~

Existing law also requires an early education program provided by a local education agency to include services specially designed to meet the unique needs of children with exceptional needs from birth to 3 years of age and their families.

This bill would specify the transfer procedures that would apply when ~~children who are under 3 years of age who are receiving specified benefits have an order for foster care, are awaiting foster care placement, or are placed in out-of-home care, and other consumers of regional center services and supports,~~ transfer between regional centers or local education agencies, or from a local education agency to a catchment ~~agency area~~ where there are no services, as specified. Among other things, the bill would provide that ~~a child~~ *these consumers* shall have the right to receive comparable early intervention services from the new catchment area's regional center, regardless of whether the ~~child~~ *person* has been deemed eligible for provision of and payment for early intervention services through the regional center. *The bill would require the sending regional center to notify the receiving regional center of the relocation, as specified.* By imposing *new duties* and a higher level of service on local entities, the bill would impose a state-mandated local program.

~~The bill would also provide that regional center consumers would be entitled to a complete copy of their records, at no charge, upon written request and proof that the records are needed to support an appeal regarding eligibility for a public benefit program. Because a violation of the provisions governing a consumer's access to regional center records is a crime, the bill would revise the scope and definition of a crime, thereby imposing a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Existing law generally provides that information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities are confidential. Existing law authorizes the release of the information and records to specified persons and entities.

This bill would provide that a consumer of regional services, or an infant or toddler receiving early intervention services, who meets specified criteria is entitled to a complete copy, at no charge, of his or her regional center records upon presenting to the regional center a written request stating that the records are needed to support an application or appeal regarding eligibility for a public benefit program. The bill would also authorize the release of the information and records to a person appointed as the education rights holder for an infant or toddler who is eligible to receive services.

The bill would include a statement of legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

1 (a) Children in foster care are at increased risk for serious
2 developmental delays and disabilities as a result of abuse, neglect,
3 and prenatal exposure to drugs.

4 (b) Timely and consistent provision of quality remediation and
5 therapeutic services for children with developmental delays and
6 disabilities, such as those provided by California's regional centers,
7 have been shown to greatly improve outcomes for these children.
8 Unfortunately, children in foster care are at increased risk for a
9 disruption in services due to frequent placement changes. These
10 disruptions cause dramatic set-backs in a child's development and
11 well-being.

12 (c) It is imperative that children in foster care be protected from
13 interruptions in their ~~regional center~~ *developmental* services, and
14 thus, a clear set of timelines for the transfer process from one
15 ~~regional center~~ *center's catchment area to another* ~~another's~~ is
16 needed.

17 SEC. 2. Section 56426.10 is added to the Education Code, to
18 read:

19 56426.10. (a) The transfer procedures and ~~timeline~~ *timelines*,
20 as provided under subdivision (d) of Section 4643.5 of the Welfare
21 and Institutions Code, shall apply if either of the following apply
22 to a child:

23 (1) If all of the following apply to a child:

24 (A) The child is under three years of age.

25 (B) The child has solely low-incidence disabilities.

26 (C) The child is receiving services under this part.

27 (D) The child has *(i) an order for foster care placement or*
28 *placement, (ii) is awaiting foster care placement, or (iii) is receiving*
29 ~~Aid to Families with Dependent Children-Foster Care (AFDC-FC),~~
30 ~~Kinship Guardianship Assistance Payments (Kin-GAP), or~~
31 ~~Adoption Assistance Program (AAP) benefits.~~ *placed in*
32 *out-of-home care through voluntary placement as defined in*
33 *subdivision (o) of Section 11400 of the Welfare and Institutions*
34 *Code.*

35 (E) The child transfers between local education agencies.

36 (2) If an infant or toddler ~~has an order for foster care placement~~
37 ~~or is awaiting foster care placement, or is receiving AFDC-FC,~~
38 ~~Kin-GAP, or AAP benefits, and described in subparagraphs (A)~~
39 ~~to (D), inclusive, of paragraph (1)~~ transfers from a local education

1 agency to a catchment area where there are no services available
2 for the infant or toddler through the local education agency.

3 (b) ~~A—Pursuant to subdivision (d) of Section 4643.5 of the~~
4 ~~Welfare and Institutions Code, pending the development of a new~~
5 ~~individualized family service plan, a child described in paragraph~~
6 (2) of subdivision (a) shall have the right to receive comparable
7 early intervention services *according to his or her current*
8 *individualized family service plan* from the new catchment area's
9 regional center, regardless of whether the child has been deemed
10 eligible for provision of and payment for early intervention services
11 through the regional center.

12 SEC. 3. Section 95014 of the Government Code is amended
13 to read:

14 95014. (a) The term "eligible infant or toddler" for the
15 purposes of this title means infants and toddlers from birth through
16 two years of age, for whom a need for early intervention services,
17 as specified in the federal Individuals with Disabilities Education
18 Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is
19 documented by means of assessment and evaluation as required
20 in Sections 95016 and 95018 and who meet one of the following
21 criteria:

22 (1) Infants and toddlers with a developmental delay in one or
23 more of the following five areas: cognitive development; physical
24 and motor development, including vision and hearing;
25 communication development; social or emotional development;
26 or adaptive development. Developmentally delayed infants and
27 toddlers are those who are determined to have a significant
28 difference between the expected level of development for their
29 age and their current level of functioning. This determination shall
30 be made by qualified personnel who are recognized by, or part of,
31 a multidisciplinary team, including the parents. A significant
32 difference is defined as a 33-percent delay in one developmental
33 area before 24 months of age, or, at 24 months of age or older,
34 either a delay of 50 percent in one developmental area or a
35 33-percent delay in two or more developmental areas. The age for
36 use in determination of eligibility for the Early Intervention
37 Program shall be the age of the infant or toddler on the date of the
38 initial referral to the Early Intervention Program.

39 (2) Infants and toddlers with established risk conditions, who
40 are infants and toddlers with conditions of known etiology or

1 conditions with established harmful developmental consequences.
2 The conditions shall be diagnosed by a qualified personnel
3 recognized by, or part of, a multidisciplinary team, including the
4 parents. The condition shall be certified as having a high
5 probability of leading to developmental delay if the delay is not
6 evident at the time of diagnosis.

7 (b) Regional centers and local educational agencies shall be
8 responsible for ensuring that eligible infants and toddlers are served
9 as follows:

10 (1) The State Department of Developmental Services and
11 regional centers shall be responsible for the provision of
12 appropriate early intervention services that are required for
13 California's participation in Part C of the federal Individuals with
14 Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all
15 infants eligible under Section 95014, except for those infants with
16 solely a visual, hearing, or severe orthopedic impairment, or any
17 combination of those impairments, who meet the criteria in
18 Sections 56026 and 56026.5 of the Education Code, and in Section
19 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the
20 California Code of Regulations.

21 (2) The State Department of Education and local educational
22 agencies shall be responsible for the provision of appropriate early
23 intervention services in accordance with Part C of the federal
24 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431
25 et seq.) for infants with solely a visual, hearing, or severe
26 orthopedic impairment, or any combination of those impairments,
27 who meet the criteria in Sections 56026 and 56026.5 of the
28 Education Code, and in Section 3030(a), (b), (d), or (e) of, and
29 Section 3031 of, Title 5 of the California Code of Regulations,
30 and who are not eligible for services under the Lanterman
31 Developmental Disabilities Services Act (Division 4.5
32 (commencing with Section 4500) of the Welfare and Institutions
33 Code).

34 (3) (A) The transfer procedures and ~~timeline~~ *timelines*, as
35 provided under subdivision (d) of Section 4643.5 of the Welfare
36 and Institutions Code, shall apply if either of the following ~~apply~~
37 *circumstances pertaining to an eligible infant or toddler are*
38 *present*:

39 (i) The child (I) has an order for foster care placement ~~or~~, is
40 awaiting foster care placement, or is ~~receiving Aid to Families~~

1 ~~with Dependent Children Foster Care (AFDC-FC), Kinship~~
2 ~~Guardianship Assistance Payments (Kin-GAP), or Adoption~~
3 ~~Assistance Program (AAP) benefits placed in out-of-home care~~
4 ~~through voluntary placement as defined in subdivision (o) of~~
5 ~~Section 11400 of the Welfare and Institutions Code, and (II)~~
6 transfers between regional centers or local education agencies.

7 (ii) The child (I) has an order for foster care placement ~~or, is~~
8 awaiting foster care placement, ~~or is receiving AFDC-FC,~~
9 ~~Kin-GAP, or AAP benefits placed in out-of-home care through~~
10 ~~voluntary placement as defined in subdivision (o) of Section 11400~~
11 ~~of the Welfare and Institutions Code, and (II) transfers from a local~~
12 education agency to a catchment area where there are no services
13 available for the infant or toddler through the *new* local education
14 agency.

15 (B) A child described in clause (ii) of subparagraph (A) shall
16 have the right to receive comparable early intervention services
17 from the new catchment area's regional center, regardless of
18 whether the child has been deemed eligible for provision of and
19 payment for early intervention services through the regional center.

20 (c) For infants and toddlers and their families who are eligible
21 to receive services from both a regional center and a local
22 educational agency, the regional center shall be the agency
23 responsible for providing or purchasing appropriate early
24 intervention services that are beyond the mandated responsibilities
25 of local educational agencies and that are required for California's
26 participation in Part C of the federal Individuals with Disabilities
27 Education Act (20 U.S.C. Sec. 1431 et seq.). The local educational
28 agency shall provide special education services up to its funded
29 program capacity as established annually by the State Department
30 of Education in consultation with the State Department of
31 Developmental Services and the Department of Finance.

32 (d) No agency or multidisciplinary team, including any agency
33 listed in Section 95012, shall presume or determine eligibility,
34 including eligibility for medical services, for any other agency.
35 However, regional centers and local educational agencies shall
36 coordinate intake, evaluation, assessment, and individualized
37 family service plans for infants and toddlers and their families who
38 are served by an agency.

(e) Upon termination of the program pursuant to Section 95003, the State Department of Developmental Services shall be responsible for the payment of services pursuant to this title.

~~SEC. 4. Section 123105 of the Health and Safety Code is amended to read:~~

~~123105. As used in this chapter:~~

~~(a) “Health care provider” means any of the following:~~

~~(1) A health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2.~~

~~(2) A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2.~~

~~(3) A home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2.~~

~~(4) A physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code or pursuant to the Osteopathic Act.~~

~~(5) A podiatrist licensed pursuant to Article 22 (commencing with Section 2460) of Chapter 5 of Division 2 of the Business and Professions Code.~~

~~(6) A dentist licensed pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code.~~

~~(7) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.~~

~~(8) An optometrist licensed pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code.~~

~~(9) A chiropractor licensed pursuant to the Chiropractic Initiative Act.~~

~~(10) A marriage and family therapist licensed pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.~~

~~(11) A clinical social worker licensed pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.~~

~~(12) A physical therapist licensed pursuant to Chapter 5.7 (commencing with Section 2600) of Division 2 of the Business and Professions Code.~~

~~(13) An occupational therapist licensed pursuant to Chapter 5.6 (commencing with Section 2570).~~

1 ~~(14) A professional clinical counselor licensed pursuant to~~
2 ~~Chapter 16 (commencing with Section 4999.10) of Division 2 of~~
3 ~~the Business and Professions Code.~~

4 ~~(15) A nonprofit regional center corporation which is contracted~~
5 ~~with the Department of Developmental Services pursuant to~~
6 ~~Chapter 5 (commencing with Section 4620) of Division 4.5 of the~~
7 ~~Welfare and Institutions Code.~~

8 ~~(b) “Mental health records” means patient records, or discrete~~
9 ~~portions thereof, specifically relating to evaluation or treatment of~~
10 ~~a mental disorder. “Mental health records” includes, but is not~~
11 ~~limited to, all alcohol and drug abuse records.~~

12 ~~(c) “Patient” means a patient or former patient of a health care~~
13 ~~provider.~~

14 ~~(d) “Patient records” means records in any form or medium~~
15 ~~maintained by, or in the custody or control of, a health care~~
16 ~~provider relating to the health history, diagnosis, or condition of~~
17 ~~a patient, or relating to treatment provided or proposed to be~~
18 ~~provided to the patient. “Patient records” includes only records~~
19 ~~pertaining to the patient requesting the records or whose~~
20 ~~representative requests the records. “Patient records” does not~~
21 ~~include information given in confidence to a health care provider~~
22 ~~by a person other than another health care provider or the patient,~~
23 ~~and that material may be removed from any records prior to~~
24 ~~inspection or copying under Section 123110 or 123115. “Patient~~
25 ~~records” does not include information contained in aggregate form,~~
26 ~~such as indices, registers, or logs.~~

27 ~~(e) “Patient’s representative” or “representative” means any of~~
28 ~~the following:~~

29 ~~(1) A parent or guardian of a minor who is a patient.~~

30 ~~(2) The guardian or conservator of the person of an adult patient.~~

31 ~~(3) An agent as defined in Section 4607 of the Probate Code,~~
32 ~~to the extent necessary for the agent to fulfill his or her duties as~~
33 ~~set forth in Division 4.7 (commencing with Section 4600) of the~~
34 ~~Probate Code.~~

35 ~~(4) The beneficiary as defined in Section 24 of the Probate Code~~
36 ~~or personal representative as defined in Section 58 of the Probate~~
37 ~~Code, of a deceased patient.~~

38 ~~(f) “Alcohol and drug abuse records” means patient records, or~~
39 ~~discrete portions thereof, specifically relating to evaluation and~~
40 ~~treatment of alcoholism or drug abuse.~~

1 SEC. 5. ~~Section 123110 of the Health and Safety Code is amended~~
2 ~~to read:~~

3 ~~123110. (a) Notwithstanding Section 5328 of the Welfare and~~
4 ~~Institutions Code, and except as provided in Sections 123115 and~~
5 ~~123120, any adult patient of a health care provider, any minor~~
6 ~~patient authorized by law to consent to medical treatment, and any~~
7 ~~patient representative shall be entitled to inspect patient records~~
8 ~~upon presenting to the health care provider a written request for~~
9 ~~those records and upon payment of reasonable clerical costs~~
10 ~~incurred in locating and making the records available. However,~~
11 ~~a patient who is a minor shall be entitled to inspect patient records~~
12 ~~pertaining only to health care of a type for which the minor is~~
13 ~~lawfully authorized to consent. A health care provider shall permit~~
14 ~~this inspection during business hours within five working days~~
15 ~~after receipt of the written request. The inspection shall be~~
16 ~~conducted by the patient or patient's representative requesting the~~
17 ~~inspection, who may be accompanied by one other person of his~~
18 ~~or her choosing.~~

19 ~~(b) Additionally, any patient or patient's representative shall be~~
20 ~~entitled to copies of all or any portion of the patient records that~~
21 ~~he or she has a right to inspect, upon presenting a written request~~
22 ~~to the health care provider specifying the records to be copied,~~
23 ~~together with a fee to defray the cost of copying, that shall not~~
24 ~~exceed twenty-five cents (\$0.25) per page or fifty cents (\$0.50)~~
25 ~~per page for records that are copied from microfilm and any~~
26 ~~additional reasonable clerical costs incurred in making the records~~
27 ~~available. The health care provider shall ensure that the copies are~~
28 ~~transmitted within 15 days after receiving the written request.~~

29 ~~(c) Copies of X-rays or tracings derived from~~
30 ~~electrocardiography, electroencephalography, or electromyography~~
31 ~~need not be provided to the patient or patient's representative under~~
32 ~~this section, if the original X-rays or tracings are transmitted to~~
33 ~~another health care provider upon written request of the patient or~~
34 ~~patient's representative and within 15 days after receipt of the~~
35 ~~request. The request shall specify the name and address of the~~
36 ~~health care provider to whom the records are to be delivered. All~~
37 ~~reasonable costs, not exceeding actual costs, incurred by a health~~
38 ~~care provider in providing copies pursuant to this subdivision may~~
39 ~~be charged to the patient or representative requesting the copies.~~

1 ~~(d) (1) Notwithstanding any provision of this section, and except~~
2 ~~as provided in Sections 123115 and 123120, any patient or former~~
3 ~~patient or the patient's representative shall be entitled to a copy,~~
4 ~~at no charge, of the relevant portion of the patient's records, upon~~
5 ~~presenting to the provider a written request, and proof that the~~
6 ~~records are needed to support an appeal regarding eligibility for a~~
7 ~~public benefit program. These programs shall be the Medi-Cal~~
8 ~~program, social security disability insurance benefits, and~~
9 ~~Supplemental Security Income/State Supplementary Program for~~
10 ~~the Aged, Blind and Disabled (SSI/SSP) benefits. For purposes of~~
11 ~~this subdivision, "relevant portion of the patient's records" means~~
12 ~~those records regarding services rendered to the patient during the~~
13 ~~time period beginning with the date of the patient's initial~~
14 ~~application for public benefits up to and including the date that a~~
15 ~~final determination is made by the public benefits program with~~
16 ~~which the patient's application is pending.~~

17 ~~(2) Although a patient shall not be limited to a single request,~~
18 ~~the patient or patient's representative shall be entitled to no more~~
19 ~~than one copy of any relevant portion of his or her record free of~~
20 ~~charge.~~

21 ~~(3) This subdivision shall not apply to any patient who is~~
22 ~~represented by a private attorney who is paying for the costs related~~
23 ~~to the patient's appeal, pending the outcome of that appeal. For~~
24 ~~purposes of this subdivision, "private attorney" means any attorney~~
25 ~~not employed by a nonprofit legal services entity.~~

26 ~~(e) If the patient's appeal regarding eligibility for a public benefit~~
27 ~~program specified in subdivision (d) is successful, the hospital or~~
28 ~~other health care provider may bill the patient, at the rates specified~~
29 ~~in subdivisions (b) and (c), for the copies of the medical records~~
30 ~~previously provided free of charge.~~

31 ~~(f) If a patient or his or her representative requests a record~~
32 ~~pursuant to subdivision (d), the health care provider shall ensure~~
33 ~~that the copies are transmitted within 30 days after receiving the~~
34 ~~written request.~~

35 ~~(g) This section shall not be construed to preclude a health care~~
36 ~~provider from requiring reasonable verification of identity prior~~
37 ~~to permitting inspection or copying of patient records, provided~~
38 ~~this requirement is not used oppressively or discriminatorily to~~
39 ~~frustrate or delay compliance with this section. Nothing in this~~
40 ~~chapter shall be deemed to supersede any rights that a patient or~~

1 ~~representative might otherwise have or exercise under Section~~
2 ~~1158 of the Evidence Code or any other provision of law. Nothing~~
3 ~~in this chapter shall require a health care provider to retain records~~
4 ~~longer than required by applicable statutes or administrative~~
5 ~~regulations.~~

6 ~~(h) This chapter shall not be construed to render a health care~~
7 ~~provider liable for the quality of his or her records or the copies~~
8 ~~provided in excess of existing law and regulations with respect to~~
9 ~~the quality of medical records. A health care provider shall not be~~
10 ~~liable to the patient or any other person for any consequences that~~
11 ~~result from disclosure of patient records as required by this chapter.~~
12 ~~A health care provider shall not discriminate against classes or~~
13 ~~categories of providers in the transmittal of X-rays or other patient~~
14 ~~records, or copies of these X-rays or records, to other providers as~~
15 ~~authorized by this section.~~

16 ~~Every health care provider shall adopt policies and establish~~
17 ~~procedures for the uniform transmittal of X-rays and other patient~~
18 ~~records that effectively prevent the discrimination described in~~
19 ~~this subdivision. A health care provider may establish reasonable~~
20 ~~conditions, including a reasonable deposit fee, to ensure the return~~
21 ~~of original X-rays transmitted to another health care provider,~~
22 ~~provided the conditions do not discriminate on the basis of, or in~~
23 ~~a manner related to, the license of the provider to which the X-rays~~
24 ~~are transmitted.~~

25 ~~(i) Any health care provider described in paragraphs (4) to (10),~~
26 ~~inclusive, of subdivision (a) of Section 123105 who willfully~~
27 ~~violates this chapter is guilty of unprofessional conduct. Any health~~
28 ~~care provider described in paragraphs (1) to (3), inclusive, of~~
29 ~~subdivision (a) of Section 123105 that willfully violates this chapter~~
30 ~~is guilty of an infraction punishable by a fine of not more than one~~
31 ~~hundred dollars (\$100). The state agency, board, or commission~~
32 ~~that issued the health care provider's professional or institutional~~
33 ~~license shall consider a violation as grounds for disciplinary action~~
34 ~~with respect to the licensure, including suspension or revocation~~
35 ~~of the license or certificate.~~

36 ~~(j) This section shall be construed as prohibiting a health care~~
37 ~~provider from withholding patient records or summaries of patient~~
38 ~~records because of an unpaid bill for health care services. Any~~
39 ~~health care provider who willfully withholds patient records or~~
40 ~~summaries of patient records because of an unpaid bill for health~~

1 ~~care services shall be subject to the sanctions specified in~~
2 ~~subdivision (i):~~

3 ~~(k) Notwithstanding any provision of this section, and except~~
4 ~~as provided in Sections 123115 and 123120, any regional center~~
5 ~~consumer or former regional center consumer or the regional center~~
6 ~~consumer's representative, or infant or toddler receiving or~~
7 ~~formerly receiving early intervention services or the infant or~~
8 ~~toddler's representative, shall be entitled to a complete copy, at~~
9 ~~no charge, of the consumer's regional center records, upon~~
10 ~~presenting to the regional center a written request and proof that~~
11 ~~the records are needed to support an appeal regarding eligibility~~
12 ~~for a public benefit program. For purposes of this subdivision~~
13 ~~"public benefit program" includes, but is not limited to, the~~
14 ~~Medi-Cal program, social security disability insurance benefits,~~
15 ~~and Supplemental Security Income/State Supplementary Program~~
16 ~~for the Aged, Blind and Disabled (SSI/SSP) benefits.~~

17 *SEC. 4. Section 4514 of the Welfare and Institutions Code is*
18 *amended to read:*

19 4514. All information and records obtained in the course of
20 providing intake, assessment, and services under Division 4.1
21 (commencing with Section 4400), Division 4.5 (commencing with
22 Section 4500), Division 6 (commencing with Section 6000), or
23 Division 7 (commencing with Section 7100) to persons with
24 developmental disabilities shall be confidential. Information and
25 records obtained in the course of providing similar services to
26 either voluntary or involuntary recipients prior to 1969 shall also
27 be confidential. Information and records shall be disclosed only
28 in any of the following cases:

29 (a) In communications between qualified professional persons,
30 whether employed by a regional center or state developmental
31 center, or not, in the provision of intake, assessment, and services
32 or appropriate referrals. The consent of the person with a
33 developmental disability, or his or her guardian or conservator,
34 shall be obtained before information or records may be disclosed
35 by regional center or state developmental center personnel to a
36 professional not employed by the regional center or state
37 developmental center, or a program not vendored by a regional
38 center or state developmental center.

39 (b) When the person with a developmental disability, who has
40 the capacity to give informed consent, designates individuals to

1 whom information or records may be released, except that nothing
2 in this chapter shall be construed to compel a physician and
3 surgeon, psychologist, social worker, marriage and family therapist,
4 professional clinical counselor, nurse, attorney, or other
5 professional to reveal information that has been given to him or
6 her in confidence by a family member of the person unless a valid
7 release has been executed by that family member.

8 (c) To the extent necessary for a claim, or for a claim or
9 application to be made on behalf of a person with a developmental
10 disability for aid, insurance, government benefit, or medical
11 assistance to which he or she may be entitled.

12 (d) If the person with a developmental disability is a minor,
13 dependent ward, or conservatee, and his or her parent, guardian,
14 conservator, limited conservator with access to confidential records,
15 or authorized representative, designates, in writing, persons to
16 whom records or information may be disclosed, except that nothing
17 in this chapter shall be construed to compel a physician and
18 surgeon, psychologist, social worker, marriage and family therapist,
19 professional clinical counselor, nurse, attorney, or other
20 professional to reveal information that has been given to him or
21 her in confidence by a family member of the person unless a valid
22 release has been executed by that family member.

23 (e) For research, provided that the Director of Developmental
24 Services designates by regulation rules for the conduct of research
25 and requires the research to be first reviewed by the appropriate
26 institutional review board or boards. These rules shall include, but
27 need not be limited to, the requirement that all researchers shall
28 sign an oath of confidentiality as follows:

29
30 “ _____
31 Date

32
33 As a condition of doing research concerning persons with
34 developmental disabilities who have received services from ____
35 (fill in the facility, agency or person), I, ____, agree to obtain the
36 prior informed consent of persons who have received services to
37 the maximum degree possible as determined by the appropriate
38 institutional review board or boards for protection of human
39 subjects reviewing my research, or the person’s parent, guardian,
40 or conservator, and I further agree not to divulge any information

1 obtained in the course of the research to unauthorized persons, and
2 not to publish or otherwise make public any information regarding
3 persons who have received services so those persons who received
4 services are identifiable.

5 I recognize that the unauthorized release of confidential
6 information may make me subject to a civil action under provisions
7 of the Welfare and Institutions Code.

8
9 _____”
10 Signed
11

12 (f) To the courts, as necessary to the administration of justice.

13 (g) To governmental law enforcement agencies as needed for
14 the protection of federal and state elective constitutional officers
15 and their families.

16 (h) To the Senate Committee on Rules or the Assembly
17 Committee on Rules for the purposes of legislative investigation
18 authorized by the committee.

19 (i) To the courts and designated parties as part of a regional
20 center report or assessment in compliance with a statutory or
21 regulatory requirement, including, but not limited to, Section
22 1827.5 of the Probate Code, Sections 1001.22 and 1370.1 of the
23 Penal Code, and Section 6502 of the Welfare and Institutions Code.

24 (j) To the attorney for the person with a developmental disability
25 in any and all proceedings upon presentation of a release of
26 information signed by the person, except that when the person
27 lacks the capacity to give informed consent, the regional center or
28 state developmental center director or designee, upon satisfying
29 himself or herself of the identity of the attorney, and of the fact
30 that the attorney represents the person, shall release all information
31 and records relating to the person except that nothing in this article
32 shall be construed to compel a physician and surgeon, psychologist,
33 social worker, marriage and family therapist, professional clinical
34 counselor, nurse, attorney, or other professional to reveal
35 information that has been given to him or her in confidence by a
36 family member of the person unless a valid release has been
37 executed by that family member.

38 (k) Upon written consent by a person with a developmental
39 disability previously or presently receiving services from a regional
40 center or state developmental center, the director of the regional

1 center or state developmental center, or his or her designee, may
2 release any information, except information that has been given
3 in confidence by members of the family of the person with
4 developmental disabilities, requested by a probation officer charged
5 with the evaluation of the person after his or her conviction of a
6 crime if the regional center or state developmental center director
7 or designee determines that the information is relevant to the
8 evaluation. The consent shall only be operative until sentence is
9 passed on the crime of which the person was convicted. The
10 confidential information released pursuant to this subdivision shall
11 be transmitted to the court separately from the probation report
12 and shall not be placed in the probation report. The confidential
13 information shall remain confidential except for purposes of
14 sentencing. After sentencing, the confidential information shall be
15 sealed.

16 (l) Between persons who are trained and qualified to serve on
17 “multidisciplinary personnel” teams pursuant to subdivision (d)
18 of Section 18951. The information and records sought to be
19 disclosed shall be relevant to the prevention, identification,
20 management, or treatment of an abused child and his or her parents
21 pursuant to Chapter 11 (commencing with Section 18950) of Part
22 6 of Division 9.

23 (m) When a person with a developmental disability dies from
24 any cause, natural or otherwise, while hospitalized in a state
25 developmental center, the State Department of Developmental
26 Services, the physician and surgeon in charge of the client, or the
27 professional in charge of the facility or his or her designee, shall
28 release information and records to the coroner. The State
29 Department of Developmental Services, the physician and surgeon
30 in charge of the client, or the professional in charge of the facility
31 or his or her designee, shall not release any notes, summaries,
32 transcripts, tapes, or records of conversations between the resident
33 and health professional personnel of the hospital relating to the
34 personal life of the resident that is not related to the diagnosis and
35 treatment of the resident’s physical condition. Any information
36 released to the coroner pursuant to this section shall remain
37 confidential and shall be sealed and shall not be made part of the
38 public record.

39 (n) To authorized licensing personnel who are employed by, or
40 who are authorized representatives of, the State Department of

1 Public Health, and who are licensed or registered health
2 professionals, and to authorized legal staff or special investigators
3 who are peace officers who are employed by, or who are authorized
4 representatives of, the State Department of Social Services, as
5 necessary to the performance of their duties to inspect, license,
6 and investigate health facilities and community care facilities, and
7 to ensure that the standards of care and services provided in these
8 facilities are adequate and appropriate and to ascertain compliance
9 with the rules and regulations to which the facility is subject. The
10 confidential information shall remain confidential except for
11 purposes of inspection, licensing, or investigation pursuant to
12 Chapter 2 (commencing with Section 1250) and Chapter 3
13 (commencing with Section 1500) of Division 2 of the Health and
14 Safety Code, or a criminal, civil, or administrative proceeding in
15 relation thereto. The confidential information may be used by the
16 State Department of Public Health or the State Department of
17 Social Services in a criminal, civil, or administrative proceeding.
18 The confidential information shall be available only to the judge
19 or hearing officer and to the parties to the case. Names which are
20 confidential shall be listed in attachments separate to the general
21 pleadings. The confidential information shall be sealed after the
22 conclusion of the criminal, civil, or administrative hearings, and
23 shall not subsequently be released except in accordance with this
24 subdivision. If the confidential information does not result in a
25 criminal, civil, or administrative proceeding, it shall be sealed after
26 the State Department of Public Health or the State Department of
27 Social Services decides that no further action will be taken in the
28 matter of suspected licensing violations. Except as otherwise
29 provided in this subdivision, confidential information in the
30 possession of the State Department of Public Health or the State
31 Department of Social Services shall not contain the name of the
32 person with a developmental disability.

33 (o) To any board which licenses and certifies professionals in
34 the fields of mental health and developmental disabilities pursuant
35 to state law, when the Director of Developmental Services has
36 reasonable cause to believe that there has occurred a violation of
37 any provision of law subject to the jurisdiction of a board and the
38 records are relevant to the violation. The information shall be
39 sealed after a decision is reached in the matter of the suspected
40 violation, and shall not subsequently be released except in

1 accordance with this subdivision. Confidential information in the
2 possession of the board shall not contain the name of the person
3 with a developmental disability.

4 (p) To governmental law enforcement agencies by the director
5 of a regional center or state developmental center, or his or her
6 designee, when (1) the person with a developmental disability has
7 been reported lost or missing or (2) there is probable cause to
8 believe that a person with a developmental disability has
9 committed, or has been the victim of, murder, manslaughter,
10 mayhem, aggravated mayhem, kidnapping, robbery, carjacking,
11 assault with the intent to commit a felony, arson, extortion, rape,
12 forcible sodomy, forcible oral copulation, assault or battery, or
13 unlawful possession of a weapon, as provided in any provision
14 listed in Section 16590 of the Penal Code.

15 This subdivision shall be limited solely to information directly
16 relating to the factual circumstances of the commission of the
17 enumerated offenses and shall not include any information relating
18 to the mental state of the patient or the circumstances of his or her
19 treatment unless relevant to the crime involved.

20 This subdivision shall not be construed as an exception to, or in
21 any other way affecting, the provisions of Article 7 (commencing
22 with Section 1010) of Chapter 4 of Division 8 of the Evidence
23 Code, or Chapter 11 (commencing with Section 15600) and
24 Chapter 13 (commencing with Section 15750) of Part 3 of Division
25 9.

26 (q) To the Division of Juvenile Facilities and Department of
27 Corrections and Rehabilitation or any component thereof, as
28 necessary to the administration of justice.

29 (r) To an agency mandated to investigate a report of abuse filed
30 pursuant to either Section 11164 of the Penal Code or Section
31 15630 of the Welfare and Institutions Code for the purposes of
32 either a mandated or voluntary report or when those agencies
33 request information in the course of conducting their investigation.

34 (s) When a person with developmental disabilities, or the parent,
35 guardian, or conservator of a person with developmental disabilities
36 who lacks capacity to consent, fails to grant or deny a request by
37 a regional center or state developmental center to release
38 information or records relating to the person with developmental
39 disabilities within a reasonable period of time, the director of the
40 regional or developmental center, or his or her designee, may

1 release information or records on behalf of that person provided
2 both of the following conditions are met:

3 (1) Release of the information or records is deemed necessary
4 to protect the person's health, safety, or welfare.

5 (2) The person, or the person's parent, guardian, or conservator,
6 has been advised annually in writing of the policy of the regional
7 center or state developmental center for release of confidential
8 client information or records when the person with developmental
9 disabilities, or the person's parent, guardian, or conservator, fails
10 to respond to a request for release of the information or records
11 within a reasonable period of time. A statement of policy contained
12 in the client's individual program plan shall be deemed to comply
13 with the notice requirement of this paragraph.

14 (t) (1) When an employee is served with a notice of adverse
15 action, as defined in Section 19570 of the Government Code, the
16 following information and records may be released:

17 (A) All information and records that the appointing authority
18 relied upon in issuing the notice of adverse action.

19 (B) All other information and records that are relevant to the
20 adverse action, or that would constitute relevant evidence as
21 defined in Section 210 of the Evidence Code.

22 (C) The information described in subparagraphs (A) and (B)
23 may be released only if both of the following conditions are met:

24 (i) The appointing authority has provided written notice to the
25 consumer and the consumer's legal representative or, if the
26 consumer has no legal representative or if the legal representative
27 is a state agency, to the clients' rights advocate, and the consumer,
28 the consumer's legal representative, or the clients' rights advocate
29 has not objected in writing to the appointing authority within five
30 business days of receipt of the notice, or the appointing authority,
31 upon review of the objection has determined that the circumstances
32 on which the adverse action is based are egregious or threaten the
33 health, safety, or life of the consumer or other consumers and
34 without the information the adverse action could not be taken.

35 (ii) The appointing authority, the person against whom the
36 adverse action has been taken, and the person's representative, if
37 any, have entered into a stipulation that does all of the following:

38 (I) Prohibits the parties from disclosing or using the information
39 or records for any purpose other than the proceedings for which
40 the information or records were requested or provided.

1 (II) Requires the employee and the employee's legal
2 representative to return to the appointing authority all records
3 provided to them under this subdivision, including, but not limited
4 to, all records and documents or copies thereof that are no longer
5 in the possession of the employee or the employee's legal
6 representative because they were from any source containing
7 confidential information protected by this section, and all copies
8 of those records and documents, within 10 days of the date that
9 the adverse action becomes final except for the actual records and
10 documents submitted to the administrative tribunal as a component
11 of an appeal from the adverse action.

12 (III) Requires the parties to submit the stipulation to the
13 administrative tribunal with jurisdiction over the adverse action
14 at the earliest possible opportunity.

15 (2) For the purposes of this subdivision, the State Personnel
16 Board may, prior to any appeal from adverse action being filed
17 with it, issue a protective order, upon application by the appointing
18 authority, for the limited purpose of prohibiting the parties from
19 disclosing or using information or records for any purpose other
20 than the proceeding for which the information or records were
21 requested or provided, and to require the employee or the
22 employee's legal representative to return to the appointing authority
23 all records provided to them under this subdivision, including, but
24 not limited to, all records and documents from any source
25 containing confidential information protected by this section, and
26 all copies of those records and documents, within 10 days of the
27 date that the adverse action becomes final, except for the actual
28 records and documents that are no longer in the possession of the
29 employee or the employee's legal representatives because they
30 were submitted to the administrative tribunal as a component of
31 an appeal from the adverse action.

32 (3) Individual identifiers, including, but not limited to, names,
33 social security numbers, and hospital numbers, that are not
34 necessary for the prosecution or defense of the adverse action,
35 shall not be disclosed.

36 (4) All records, documents, or other materials containing
37 confidential information protected by this section that have been
38 submitted or otherwise disclosed to the administrative agency or
39 other person as a component of an appeal from an adverse action
40 shall, upon proper motion by the appointing authority to the

1 administrative tribunal, be placed under administrative seal and
2 shall not, thereafter, be subject to disclosure to any person or entity
3 except upon the issuance of an order of a court of competent
4 jurisdiction.

5 (5) For purposes of this subdivision, an adverse action becomes
6 final when the employee fails to answer within the time specified
7 in Section 19575 of the Government Code, or, after filing an
8 answer, withdraws the appeal, or, upon exhaustion of the
9 administrative appeal or of the judicial review remedies as
10 otherwise provided by law.

11 (u) To the person appointed as the *education rights holder for*
12 *an infant or toddler who is eligible to receive services pursuant*
13 *to Title 14 (commencing with Section 95000) of the Government*
14 *Code, or the developmental services decisionmaker for a minor,*
15 *dependent, or ward pursuant to Section 319, 361, or 726.*~~To~~

16 (v) *Notwithstanding subdivision (a) of Section 4725 or any other*
17 *law, any consumer or infant or toddler receiving early intervention*
18 *services who (1) has an order for foster care placement, (2) is*
19 *awaiting foster care placement, or (3) is placed in out-of-home*
20 *care through voluntary placement as defined in subdivision (o) of*
21 *Section 11400, shall be entitled, directly or through his or her*
22 *legally authorized representative, education rights holder, or*
23 *developmental services decisionmaker, to a complete copy, at no*
24 *charge, of his or her regional center records, as defined in*
25 *subdivision (b) of Section 4725, upon presenting to the regional*
26 *center a written request stating that the records are needed to*
27 *support an application or appeal regarding eligibility for a public*
28 *benefit program.*

29 (w) To a protection and advocacy agency established pursuant
30 to Section 4901, to the extent that the information is incorporated
31 within any of the following:

32 (1) An unredacted facility evaluation report form or an
33 unredacted complaint investigation report form of the State
34 Department of Social Services. This information shall remain
35 confidential and subject to the confidentiality requirements of
36 subdivision (f) of Section 4903.

37 (2) An unredacted citation report, unredacted licensing report,
38 unredacted survey report, unredacted plan of correction, or
39 unredacted statement of deficiency of the State Department of
40 Public Health, prepared by authorized licensing personnel or

1 authorized representatives described in subdivision (n). This
2 information shall remain confidential and subject to the
3 confidentiality requirements of subdivision (f) of Section 4903.

4 ~~SEC. 6.~~

5 *SEC. 5.* Section 4643.5 of the Welfare and Institutions Code
6 is amended to read:

7 4643.5. (a) If a consumer is or has been determined to be
8 eligible for services by a regional center, he or she shall also be
9 considered eligible by any other regional center if he or she has
10 moved to another location within the state.

11 (b) An individual who is determined by any regional center to
12 have a developmental disability shall remain eligible for services
13 from regional centers unless a regional center, following a
14 comprehensive reassessment, concludes that the original
15 determination that the individual has a developmental disability
16 is clearly erroneous.

17 (c) Whenever a consumer transfers from one regional center
18 catchment area to another, the level and types of services and
19 supports specified in the consumer's individual program plan shall
20 be authorized and secured, if available, pending the development
21 of a new individual program plan for the consumer. If these
22 services and supports do not exist, the regional center shall convene
23 a meeting to develop a new individual program plan within 30
24 days. Prior to approval of the new individual program plan, the
25 regional center shall provide alternative services and supports that
26 best meet the individual program plan objectives in the least
27 restrictive setting. The department shall develop guidelines that
28 describe the responsibilities of regional centers in ensuring a
29 smooth transition of services and supports from one regional center
30 to another, including, but not limited to, pretransferring planning
31 and a dispute resolution process to resolve disagreements between
32 regional centers regarding their responsibilities related to the
33 transfer of case management services.

34 (d) If a consumer is transferring from one regional center's
35 catchment area to that of another regional center's and either (1)
36 has an order for foster care placement ~~or~~, (2) is awaiting foster
37 care placement, ~~or (2) is receiving Aid to Families with Dependent~~
38 ~~Children-Foster Care (AFDC-FC), Kinship Guardianship~~
39 ~~Assistance Payments (Kin-GAP), or Adoption Assistance Program~~
40 ~~(AAP) benefits~~ (3) is placed in out-of-home care through voluntary

1 *placement as defined in subdivision (o) of Section 11400 of the*
2 *Welfare and Institutions Code, the following shall apply:*

3 (A) (i) ~~The sending regional center shall prepare and send a~~
4 ~~consumer's~~ *the physical case file to the receiving regional center*
5 *no later than two business days following the receipt of notice that*
6 *the consumer has moved out of the sending regional center's*
7 *catchment area. For purposes of this subdivision, this notice of*
8 *relocation may be provided verbally or in writing by the caregiver,*
9 ~~the county social worker or other child welfare agency employee,~~
10 ~~the consumer's dependency court attorney, a Court Appointed~~
11 ~~Special Advocate (CASA), or the court itself. shall be immediately~~
12 *provided to the sending regional center by the county social worker*
13 *or county probation officer. Notice of relocation may also be*
14 *provided by the caregiver, the consumer's attorney or a*
15 *court-appointed special advocate, or the court itself. Notice shall*
16 *be deemed received when the sending regional center is notified*
17 *either verbally or in writing by any of the above.*

18 (ii) *Upon receiving notice, the sending regional center shall*
19 *notify the receiving regional center of the consumer's relocation,*
20 *including the person's name and age, and a list of services*
21 *currently listed in the individualized family service plan (IFSP)*
22 *or individual program plan (IPP).*

23 (B) *The receiving regional center shall accept financial*
24 *responsibility for the consumer's case, and notify the family*
25 *caregiver and county placing agency of the assignment of a service*
26 *coordinator, within two business days of receipt of the physical*
27 *file.*

28 (C) *Services and supports, as provided for in the consumer's*
29 ~~current individual family service plan IFSP or individual program~~
30 ~~plan, IPP,~~ *shall commence within five business days from the*
31 *date the sending regional center received the notice that the child*
32 ~~moved out of the catchment area.~~ *of relocation.*

33 (D) (i) ~~If identical services to those provided in the child's~~
34 ~~existing individual family service plan IFSP or individual program~~
35 ~~plan IPP~~ *are not available, the receiving regional center shall*
36 *provide comparable services until a new individual program plan*
37 *IFSP or IPP meeting can be held to determine appropriate services.*

38 (ii) ~~If an infant or toddler transfers from a local education agency~~
39 ~~to a catchment area where there are no services available for the~~
40 ~~infant or toddler through the local education agency and either (f)~~

1 has an order for foster care placement or is awaiting foster care
2 placement, or (II) is receiving AFDC-FC, Kin-GAP, or AAP
3 benefits both of the following shall apply:

4 (ia) The child shall have the right to receive comparable early
5 intervention services from the new catchment area's regional
6 center, regardless of whether the child has been deemed eligible
7 for provision of and payment for early intervention services through
8 the regional center.

9 (ib) The requirement set forth in subparagraph (A) shall apply.

10 (E) *The sending regional center may choose to continue to serve*
11 *the consumer and not transfer the case to the regional center in*
12 *the person's new catchment area only if the sending regional center*
13 *continues to provide all the services as agreed upon in the*
14 *consumer's IPP or IFSP. The sending regional center shall notify*
15 *the regional center in the person's new catchment area within two*
16 *days of the person's move that the sending regional center shall*
17 *continue to provide services.*

18 (F) *The requirements set forth in subparagraphs (A) to (E),*
19 *inclusive, shall apply to local education agencies, as set forth in*
20 *Section 56426.10 of the Education Code.*

21 (e) *For purposes of this section, the term "consumer" shall*
22 *refer to individuals as defined in Section 4512 and any eligible*
23 *infant or toddler, as defined in Section 95014 of the Government*
24 *Code.*

25 ~~SEC. 7. Section 4726 of the Welfare and Institutions Code is~~
26 ~~amended to read:~~

27 ~~4726. (a) Notwithstanding the provisions of Section 5328,~~
28 ~~access to records shall be provided to an applicant for, or recipient~~
29 ~~of, services or to his or her authorized representative, including~~
30 ~~the person appointed as a developmental services decisionmaker~~
31 ~~pursuant to Section 319, 361, or 726, for purposes of the appeal~~
32 ~~procedure under this chapter.~~

33 ~~(b) Notwithstanding any provision of this section, and except~~
34 ~~as provided in Sections 123115 and 123120 of the Health and~~
35 ~~Safety Code, any regional center consumer or former regional~~
36 ~~center consumer or the regional center consumer's representative,~~
37 ~~or infant or toddler receiving or formerly receiving Early~~
38 ~~Intervention services or the infant or toddler's representative, shall~~
39 ~~be entitled to a complete copy, at no charge, of the consumer's~~
40 ~~regional center records, upon presenting to the regional center a~~

1 written request and proof that the records are needed to support
2 an appeal regarding eligibility for a public benefit program. For
3 purposes of this subdivision, “public benefit program” includes,
4 but is not limited to, the Medi-Cal program, social security
5 disability insurance benefits, and Supplemental Security
6 Income/State Supplementary Program for the Aged, Blind and
7 Disabled (SSI/SSP) benefits.

8 ~~SEC. 8. No reimbursement is required by this act pursuant to~~
9 ~~Section 6 of Article XIII B of the California Constitution for certain~~
10 ~~costs that may be incurred by a local agency or school district~~
11 ~~because, in that regard, this act creates a new crime or infraction,~~
12 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
13 ~~or infraction, within the meaning of Section 17556 of the~~
14 ~~Government Code, or changes the definition of a crime within the~~
15 ~~meaning of Section 6 of Article XIII B of the California~~
16 ~~Constitution.~~

17 However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.

22 *SEC. 6. If the Commission on State Mandates determines that*
23 *this act contains costs mandated by the state, reimbursement to*
24 *local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*